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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,776	04/07/1999	LILI KANG	0100.9900270	6690

7590 02/23/2004

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2673

258

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/287,776

Examiner

Jeff Piziali

Applicant(s)

KANG ET AL.

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


This application is abandoned in view of:


1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 August 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 07 January 2004, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600


2/29/04

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: On 19 February 2004, during a telephone conversation with Mr. Joseph P. Krause (Reg. No. 32,578) it was confirmed that no further reply had been submitted since the Proposed Amendment filed on 7 January 2004 (Paper No. 26) – which itself was not entered into the record due to the raising of new issues.

Mr. Krause protested the abandonment of this application on the grounds that a bona fide attempt was made to add allowable subject matter (agreed upon during a 16 December 2003 phone interview – Paper No. 24) to presently rejected claims 9-22 with the aforementioned Proposed Amendment.

However, while that Proposed Amendment did indeed seek to incorporate subject matter already found in allowed claims 1-8 (see the Advisory Action mailed 19 December 2003 – Paper No. 25); other proposed claim amendments would have introduced new issues requiring additional search and consideration (see the Advisory Action mailed 10 February 2004 – Paper No. 27).

The examiner advised Mr. Krause that a petition to withdraw the abandonment could be submitted to the office for consideration. However, at present, because no proper reply to the Final Office Action mailed 12 August 2003 (Paper No. 21) has been filed, the application has by necessity gone abandoned. Mr. Krause expressed intent to pursue revival of this abandoned application at a later date.